

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

2015 JAN 15 PM 3:40

UNITED STATES OF AMERICA)

v.)

ALEXIS VLACHOS and,
JAMIE RUIZ,

Defendants.)

Crim. No.

CLERK
BY  DEPUTY CLERK

15-cr-6

INDICTMENT

INTRODUCTION

1. The Arms Control Export Act ("AECA"), as amended and codified at 22 U.S.C. §§ 2751 to 2799aa-2, prohibits, among other things, the willful exportation of "defense articles" without a license issued in accordance with the regulations. The AECA authorized the President to control the export of "defense articles" listed on the United States Munitions List ("USML"), which is published at 22 C.F.R. § 121. The USML contains, among other things, categories of firearms, explosives, missiles, and bombs that cannot be exported without a license.

2. The regulations implementing the provisions of the AECA were entitled the International Traffic in Arms Regulations ("ITAR"). The AECA provided that individuals and entities seeking to export articles on the USML must first obtain an export license. The ITAR defines "export" as including the "taking [of] a defense article out of the United States in any manner."

3. The President has delegated this licensing authority to the United States Department of State ("DOS"). Except under limited circumstances, foreign persons are not eligible for a license under the regulations (22 C.F.R. § 120.1(c)) but foreign governmental entities may be eligible.

4. Under federal firearms law, a person may not engage in the business of dealing in

firearms without a license. In addition, under federal firearms law persons who purchase firearms from licensed firearm dealers are first required to complete an ATF Form 4473, in which the purchasers certify that they are the actual buyers of the firearms. ATF Form 4473 states that the firearms cannot be sold if the purchaser is not the actual buyer and that a person is not the actual buyer if the person is "acquiring the firearm(s) on behalf of another person."

COUNT ONE

The Grand Jury charges:

1. From in or about July 2010 to in or about April 2011, in the District of Vermont and elsewhere, ALEXIS VLACHOS, JAMIE RUIZ, and Annette Wexler, along with others known and unknown to the Grand Jury, knowingly and willfully conspired to commit an offense against the United States; that is:

a. knowingly and willfully exported, and caused to be exported, from the United States to Canada, defense articles, that is firearms designated on the United States Munitions List, without having first obtained a license or written authorization for such export from the Department of State, in violation of Title 22, United States Code, Sections 2778(b)(2) and 2778(c) and the Code of Federal Regulations, Sections 121.1 and 123.1; and,

b. knowingly made false written statements intended to and likely to deceive a licensed firearms dealer in connection with the acquisition of firearms with respect to facts material to the lawfulness of the sale, in violation of 18 U.S.C. §§ 922(a)(6), 924(a)(2).

2. It was part of the conspiracy that from in or about July 2010 to in or about April 2011, ALEXIS VLACHOS directed Annette Wexler and another coconspirator to purchase approximately one hundred handguns in Florida from federally licensed firearms dealers. ALEXIS VLACHOS provided Annette Wexler with cash to purchase these firearms and instructed Annette Wexler to purchase handguns of certain models and calibers. Annette Wexler and a coconspirator then purchased approximately one hundred handguns in the Tampa, Florida area.

3. It was further part of the conspiracy that when purchasing these handguns, Annette

Wexler and a coconspirator falsely represented on multiple ATF Form 4473s that they were the actual buyers of the firearms when they were acquiring the firearms on behalf of ALEXIS VLACHOS.

4. It was further part of the conspiracy that JAMIE RUIZ, Annette Wexler, and another coconspirator transferred these firearms to ALEXIS VLACHOS, in various places, including Vermont, Florida, and Quebec, Canada.

5. In furtherance of the conspiracy, the conspirators committed the following overt acts, among others, to effect the objects of the conspiracy:

a. On or about March 19-22, 2011, Annette Wexler purchased, with primarily cash, twenty handguns from multiple federally licensed firearms dealers in Florida.

b. JAMIE RUIZ and Annette Wexler then brought these firearms to Vermont by automobile.

c. On March 25, 2011, JAMIE RUIZ and Annette Wexler checked into a room at the Four Seasons Motel in Derby, Vermont.

d. On March 25, 2011, JAMIE RUIZ and Annette Wexler entered the Haskell Free Library in Derby Line, Vermont, with multiple handguns.

e. On March 25, 2011, JAMIE RUIZ hid a small backpack containing these firearms in the bathroom at the Haskell Free Library in Derby Line, Vermont.

f. Immediately after JAMIE RUIZ left the bathroom, ALEXIS VLACHOS, who had previously walked into the library through the entrance, which is in Vermont, went into the library bathroom, retrieved the firearms deposited by JAMIE RUIZ, exited the library, and then walked back into Quebec, Canada without going through the port-of-entry.

g. On March 27, 2011, Annette Wexler brought approximately \$18,000 in U.S. currency into the United States through the Port-of-Entry at Canaan, Vermont. ALEXIS VLACHOS gave her this money, in part, to purchase additional firearms.

h. In or about mid-April 2011, a coconspirator purchased 34 handguns, in Florida from a federally licensed firearms dealer, with cash provided by ALEXIS VLACHOS. The coconspirator then transferred the firearms to ALEXIS VLACHOS in Florida.

i. Later, in or about, April 2011, Annette Wexler and ALEXIS VLACHOS transported these 34 handguns from Florida to Vermont by automobile.

j. ALEXIS VLACHOS then smuggled these firearms into Quebec from Vermont by hiking across the border in a remote section of northeastern Vermont, in or about April 2011.

(18 U.S.C. § 371)

COUNT TWO

The Grand Jury further charges:

In or about March 2011, in the District of Vermont and elsewhere, ALEXIS VLACHOS and JAMIE RUIZ knowingly and willfully exported and caused to be exported from the United States to Canada defense articles designated on the United States Munitions List, without having first obtained from the Department of State a license or written authorization for such export; that is, the following defense articles:

1. Walther .22, Model P22, serial # L405919;
2. Glock .40, Model 27, serial # RFW907;
3. Glock 9 mm, Model 26, serial # RBM233;
4. Glock 9 mm, Model 27, serial # RFV281;
5. Glock 9 mm, Model 27, serial # RFV283;
6. Glock 9 mm, Model 27, serial # PTP323;
7. S&W .38 caliber, Model BG38, serial # CPX4429;
8. S&W .38 caliber, Model BG38, serial # CPX4637;
9. Ruger .38 caliber, Model LCR, serial # 54087342;
10. Glock 9 mm, Model 27, serial # PTP324;
11. Walther .22 caliber, Model P22, serial # L407063;
12. Walther .22 caliber, Model P22, serial # L407062;
13. Beretta 9 mm, Model PX4-Storm, serial # PZ23348;
14. Beretta 9 mm, Model PX4-Storm, serial # PX28291;
15. Glock 9 mm, Model 26, serial # RFS379;
16. Glock 9 mm, Model 26, serial # RFS374;
17. Beretta .40 caliber, Model PX4-Storm, serial # PZ31942;
18. Ruger 9 mm, Model SR9C, serial # 33255843;
19. Beretta 9 mm, Model PX4-Storm, serial # PX17142; and,
20. Beretta 9 mm, Model PX4-Storm, serial # PZ19112.

(22 U.S.C. §§ 2778(b)(2), 2778(c); 22 C.F.R. §§ 121.1 and 123.1; 18 U.S.C. § 2)

COUNT THREE

The Grand Jury further charges:

In or about April 2011, in the District of Vermont and elsewhere, ALEXIS VLACHOS knowingly and willfully exported and caused to be exported from the United States to Canada defense articles designated on the United States Munitions List, without having first obtained from the Department of State a license or written authorization for such export; that is the following defense articles:

1. Walther 40 caliber, Model P99, Serial #FAH6929;
2. Walther 40 caliber, Model P99, Serial #FAH6937;
3. Walther 40 caliber, Model P99, Serial #FAH2892;
4. Walther 40 caliber, Model P99, Serial #FAI1772;
5. Walther 40 caliber, Model P99, Serial #FAI1119;
6. Walther 40 caliber, Model P99, Serial #FAI1176;
7. Walther 40 caliber, Model P99, Serial #FAI1244;
8. Walther 40 caliber, Model P99, Serial #FAI1241;
9. Walther 40 caliber, Model P99, Serial #FAI1240;
10. Walther 40 caliber, Model P99, Serial #FAI1238;
11. Glock 9 mm, Model 26, Serial #PVW476;
12. Glock 9 mm, Model 26, Serial #PVW477;
13. Glock 9 mm, Model 26, Serial #PVW480;
14. Glock 9 mm, Model 26, Serial #PVW484;
15. Glock 9 mm, Model 26, Serial #PVW488;
16. Glock 9 mm, Model 26, Serial #PVW539;
17. Glock 9 mm, Model 26, Serial #PVW475;
18. Smith & Wesson .38 caliber, Model 37, Serial #J911794;
19. Smith & Wesson .38 caliber, Model 37, Serial #745J88;
20. Charter Arms .38 caliber, Model Off Duty, Serial #1096403;
21. Kel Tec 9 mm, Model PF-9, Serial #RTS36;
22. Ruger .380 caliber, Model LCP, Serial #37470280;
23. Ruger .380 caliber, Model LCP, Serial #37469634;
24. Ruger .380 caliber, Model LCP, Serial #3740227;
25. Ruger .380 caliber, Model LCP, Serial #37436750;
26. Ruger .380 caliber, Model LCP, Serial #37436897;
27. Beretta 9 mm, Model PX4-Storm, Serial #PZ39322;
28. Beretta 9 mm, Model PX4-Storm, Serial #PZ39324;
29. Beretta 9 mm, Model PX4-Storm, Serial #PZ24418;
30. Glock .40 caliber, Model 22, Serial #NBT937;

31. Beretta .25 caliber, Model Tomcat, Serial #DAA514491;
32. Beretta .25 caliber, Model Tomcat, Serial #DAA514500;
33. Beretta .25 caliber, Model Tomcat, Serial #DAA514519; and,
34. Beretta .25 caliber, Model Tomcat, Serial #DAA514526.

(22 U.S.C. §§ 2778(b)(2), 2778(c); 22 C.F.R. §§ 121.1 and 123.1; 18 U.S.C. § 2)

COUNT FOUR

In or about March 2011, in the District of Vermont and elsewhere, ALEXIS VLACHOS, an alien who was illegally and unlawfully in the United States, knowingly possessed firearms, in or affecting commerce, and knowingly received firearms that had been shipped and transported in interstate commerce; that is the following handguns:

1. Walther .22, Model P22, serial # L405919;
2. Glock .40, Model 27, serial # RFW907;
3. Glock 9 mm, Model 26, serial # RBM233;
4. Glock 9 mm, Model 27, serial # RFV281;
5. Glock 9 mm, Model 27, serial # RFV283;
6. Glock 9 mm, Model 27, serial # PTP323;
7. S&W .38 caliber, Model BG38, serial # CPX4429;
8. S&W .38 caliber, Model BG38, serial # CPX4637;
9. Ruger .38 caliber, Model LCR, serial # 54087342;
10. Glock 9 mm, Model 27, serial # PTP324;
11. Walther .22 caliber, Model P22, serial # L407063;
12. Walther .22 caliber, Model P22, serial # L407062;
13. Beretta 9 mm, Model PX4-Storm, serial # PZ23348;
14. Beretta 9 mm, Model PX4-Storm, serial # PX28291;
15. Glock 9 mm, Model 26, serial # RFS379;
16. Glock 9 mm, Model 26, serial # RFS374;
17. Beretta .40 caliber, Model PX4-Storm, serial # PZ31942;
18. Ruger 9 mm, Model SR9C, serial # 33255843;
19. Beretta 9 mm, Model PX4-Storm, serial # PX17142; and,
20. Beretta 9 mm, Model PX4-Storm, serial # PZ19112.

(18 U.S.C. §§ 922(g)(5), 924(a)(2))

COUNT FIVE

In or about April 2011, in the District of Vermont and elsewhere, ALEXIS VLACHOS, an alien who was illegally and unlawfully in the United States, knowingly possessed firearms, in or affecting commerce, and knowingly received firearms that had been shipped and transported in interstate commerce; that is the following handguns:

1. Walther 40 caliber, Model P99, Serial #FAH6929;
2. Walther 40 caliber, Model P99, Serial #FAH6937;
3. Walther 40 caliber, Model P99, Serial #FAH2892;
4. Walther 40 caliber, Model P99, Serial #FAI1772;
5. Walther 40 caliber, Model P99, Serial #FAI1119;
6. Walther 40 caliber, Model P99, Serial #FAI1176;
7. Walther 40 caliber, Model P99, Serial #FAI1244;
8. Walther 40 caliber, Model P99, Serial #FAI1241;
9. Walther 40 caliber, Model P99, Serial #FAI1240;
10. Walther 40 caliber, Model P99, Serial #FAI1238;
11. Glock 9 mm, Model 26, Serial #PVW476;
12. Glock 9 mm, Model 26, Serial #PVW477;
13. Glock 9 mm, Model 26, Serial #PVW480;
14. Glock 9 mm, Model 26, Serial #PVW484;
15. Glock 9 mm, Model 26, Serial #PVW488;
16. Glock 9 mm, Model 26, Serial #PVW539;
17. Glock 9 mm, Model 26, Serial #PVW475;
18. Smith & Wesson .38 caliber, Model 37, Serial #J911794;
19. Smith & Wesson .38 caliber, Model 37, Serial #745J88;
20. Charter Arms .38 caliber, Model Off Duty, Serial #1096403;
21. Kel Tec 9 mm, Model PF-9, Serial #RTS36;
22. Ruger .380 caliber, Model LCP, Serial #37470280;
23. Ruger .380 caliber, Model LCP, Serial #37469634;
24. Ruger .380 caliber, Model LCP, Serial #3740227;
25. Ruger .380 caliber, Model LCP, Serial #37436750;
26. Ruger .380 caliber, Model LCP, Serial #37436897;
27. Beretta 9 mm, Model PX4-Storm, Serial #PZ39322;
28. Beretta 9 mm, Model PX4-Storm, Serial #PZ39324;
29. Beretta 9 mm, Model PX4-Storm, Serial #PZ24418;
30. Glock .40 caliber, Model 22, Serial #NBT937;
31. Beretta .25 caliber, Model Tomcat, Serial #DAA514491;
32. Beretta .25 caliber, Model Tomcat, Serial #DAA514500;

- 33. Beretta .25 caliber, Model Tomcat, Serial #DAA514519; and,
- 34. Beretta .25 caliber, Model Tomcat, Serial #DAA514526.

(18 U.S.C. §§ 922(g)(5), 924(a)(2))

A TRUE BILL

[REDACTED]

FOREPERSON

Eugenia Cowles
EUGENIA COWLES (by JRP)
Acting United States Attorney

Burlington, Vermont
January 15, 2015